

STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION

IN THE MATTER OF:	)	
	)	
ANNETTE MOORE,	)	
	)	
Complainant	)	
and	)	CHARGE NO: 2000CE1626
	)	EEOC NO: 21BA00962
NETWORKING CARE, INC.,	)	ALS NO: S 11618
	)	
Respondent	)	
	)	
	)	

RECOMMENDED ORDER AND DECISION
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This matter comes before me at the conclusion of a public hearing commenced in this matter on June 3, 2002 at 9:30 a.m.. Both Complainant and Respondent agreed to the date and time for a public hearing and both received timely notice of the hearing. The hearing date was confirmed with the parties during a final telephone prehearing conference I conducted with the parties on May 24, 2002.

On June 3, 2002 at 9:30 a.m., Respondent's representative, witnesses and its legal counsel appeared for the public hearing. Complainant did not appear or contact the Commission to request a continuance of the date and/or time set for hearing. Respondent and I waited thirty minutes for Complainant to appear. Complainant still did not appear and Respondent made a motion for default and the motion was granted. This case is now ready for decision.

**Findings of Fact**

1. On March 16, 2000, Complainant filed a charge of discrimination against Respondent with Illinois Department of Human Rights (Department).

2. On September 25, 2001, the Department filed a Complaint of Civil Rights Violation on Complainant's behalf alleging Complainant was aggrieved by practices of race discrimination, prohibited by section 2-102(A) of the Illinois Human Rights Act.
3. On October 24, 2001, Respondent timely filed an Answer to the Complaint and the parties engaged in discovery until May 29, 2002.
4. On March 14, 2002, during a telephone conference call, the parties chose the mutually agreeable hearing date and time of June 3, 2002 at 9:30 a.m.. A final prehearing conference was conducted with the parties on May 24, 2002 to again confirm the hearing date and time.
5. On June 3, 2002 at 9:30 a.m., Respondent., its witnesses and counsel appeared for the public hearing.
6. Complainant failed to appear at the time set for the hearing and did not contact the Commission to request a continuance of the either hearing date or time.

#### **Conclusions of Law**

1. Complainant and Respondent are both subject to the Illinois Human Rights Act and to the Jurisdiction of the Illinois Human Rights Commission.
2. A complaint may be dismissed when a party fails to appear for hearing.

#### **Determination**

The Complaint and underlying Charge of discrimination should be dismissed with prejudice for Complainant's failure to appear on the agreed date and time set for a public hearing for which she had due notice.

#### **Discussion**

The procedural rules of the Illinois Human Rights Commission authorize the Commission to dismiss a case where a Complainant fails to comply with orders, fails to appear for hearings, or otherwise protracts and impedes the prosecution of his or her case. *56 Ill. Admin. Code, ch. XI, § 5300.750(e)*. In this case it is clear that Complainant

failed to appear at the time set for public hearing. Complainant and Respondent choose the date and time for the hearing during a telephone conference I conducted with the parties on March 14, 2002. Complainant also received a written reminder of the date and time for hearing in Orders dated March 14 and May 24, 2002.

Moreover, complainant participated in a final prehearing conference call on May 24, 2002 and the hearing date and time were again confirmed with the parties. However, despite all of the reminders Complainant received concerning the date and time set for hearing, she failed to appear.

The hearing commenced at 9:30 on June 3, 2002. Complainant was given until 10:00 a.m. to appear. She failed to appear, Respondent made an motion for default and the hearing was adjourned at 10:00 a.m.. Under these circumstances, it is apparent that a dismissal is now warranted.

#### **Recommendation**

Based on the findings of fact and conclusions of law, I recommend that the Complaint of Annette Moore v. Networking Care, Inc. and the underlying charge number 2000CE1626 be dismissed with prejudice due to Complainant's failure to appear for public hearing and prosecute her claim.

ILLINOIS HUMAN RIGHTS COMMISSION

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KELLI L. GIDCUMB  
Administrative Law Judge  
Administrative Law Section

ENTERED THIS 3RD DAY OF JULY, 2002.